

CITY UTILITIES COMMITTEE

MINUTES

OCTOBER 30, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, October 30, 2007 at 9:18 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Howard Shook
The Honorable Natalyn M. Archibong

Others present at the meeting were: Stefanie Grant, Theresa Stewart and Renee Sheperd, Law Department; Deputy Commissioners Shelia Pierce, Joseph Basista, Sally Mills and George Barnes, Department of Watershed Management; Sandy Jennings, Nursef Kedir and James Swope Department of Public Works; Cathy Martin, Office of Procurement; Greg Pridgeon, Office of the Mayor; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:18 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED ONE APPRAISAL**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. A JOINT PRESENTATION ON THE PROCESS ON HOW THE WORK IS DONE IN THE RIGHT-OF-WAY - DEPARTMENT OF WATERSHED, ATLANTA GAS LIGHT COMPANY, AND DEPARTMENT OF PUBLIC WORKS**

CONSENT

E. ORDINANCES FOR FIRST READING

- 07-O-2169 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Fraser Street, SE located between Fulton Street and Solomon Street consisting of 0.177 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing.)**

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 07-O-2230 (2) An Ordinance by City Utilities Committee authorizing the abandonment of certain sewer easements on certain property owned by Glenwood Park, LLC and located in Land Lot 12 of the 14th District of Fulton County; acknowledging and authorizing the acceptance of new sewer easements for the new storm and sanitary sewer system constructed by Glenwood Park, LLC upon final acceptance of the dedicated infrastructure; authorizing the ratification of the Encroachment Agreement allowing Georgia Power Facilities to be located within the designated easement area as described in this ordinance; authorizing the Mayor or her designee to execute any necessary documents and instruments; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

F. PUBLIC HEARING - ORDINANCE FOR SECOND READING

- 07-O-1907 (1) An Ordinance by Councilmember Cleta Winslow to **abandon** public streets known as Abbott Street and Baldwin Place, located in the City of Atlanta and to convey said abandoned streets at no cost to the Housing Authority of the City of Atlanta, Georgia; to waive the provisions of Section 2-1578 of the City Code provided, however, that Section 2-1578 (c)(3) requiring certain notifications and Section 138-9 insofar as it relates to the advertisement and public hearing requirement, shall not be waived; and for other purposes. **(Public Hearing held 10/30/07)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

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G. COMMUNICATIONS

- 07-C-2178 (1) A Communication by Mayor Shirley Franklin re-appointing **Ms. Corliss Claire** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Smith made a motion to hold.)

HELD

- 07-C-2179 (2) A Communication by Mayor Shirley Franklin re-appointing **Ms. Kathleen Jackson Bertrand** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Smith made a motion to hold.)

HELD

- 07-C-2202 (3) A Communication by Councilmember Kwanza Hall appointing **Ms. Catherine A. Chase** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Smith made a motion to hold.)

HELD

- 07-C-2206 (4) A Communication by Councilmember H. Lamar Willis re-appointing **Ms. Kim Benjamin** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Mitchell made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

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H. ORDINANCES FOR SECOND READING

- 07-O-2027 (1) An Ordinance by City Utilities Committee amending the 2007 (2004 Quality of Life Bond Fund) Budget by transferring from and to appropriations for the purpose of reprogramming the Powers Ferry Bridge Project and for funding several sidewalk and intersection projects; and for other purposes.

(Councilmember Muller made a motion to approve.)

FAVORABLE

- 07-O-2028 (2) An Ordinance by City Utilities Committee to correct Ordinance Number 07-O-1075 adopted by the Atlanta City Council on June 18, 2007 and approved by the Mayor on June 26, 2007; and for other purposes.

(Councilmember Mitchell made a motion to approve.)

FAVORABLE

- 07-O-2160 (3) An Ordinance by City Utilities Committee to authorize the acquisition of three (3) properties, pursuant to the City's participation in the Federal Emergency Management Agency (FEMA) Mitigation Assistance Program ("FEMA Grant"); authorizing the Mayor to enter into a cost participation agreement with property owners and other appropriate documents for the acquisition of the properties included in the FEMA Grant Program; to authorize receipt of funds from participating property owners and FEMA to offset any acquisition costs in accordance with the FEMA Grant; to waive portions of Article X of the Procurement and Real Estate Code; to authorize the City Attorney to use the assistance of outside counsel to effectuate the acquisition; to authorize the Chief Procurement Officer to obtain title work, surveys, environmental tests, appraisals and other appropriate due diligence items to effectuate the acquisition of the properties; to charge and pay for all acquisition costs from Fund, Account and Center Number: 1C51 (Capital Finance Fund) 574001 (Facilities other than Buildings) Q11P1112B6F0 (Nancy, Utoy and Peachtree Creek Homes Acquisitions); and for other purposes.

(Councilmember Shook made a motion to approve.)

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-2218 (4) An Ordinance by Kwanza Hall to correct Ordinance 07-O-0982 by providing an amended legal description and map for the abandonment of a portion of John Wesley Dobbs Avenue, located between Jackson Street and the Dead End of John Wesley Dobbs Avenue consisting of 11,914 square feet (.27 acre), more or less and being more specifically described in the attached Exhibit "A1"; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

I. RESOLUTIONS

- 07-R-2170 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Rockdale Pipeline, Inc., for FC-6004007832B, Annual Contract for Repair and Replacement of Large Water Meters, on behalf of the Department of Watershed Management; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 07-R-2212 (2) A Resolution by Councilmembers Natalyn M. Archibong, Kwanza Hall, Joyce Sheperd, Mary Norwood, Carla Smith, C. T. Martin, Jim Maddox, Ceasar C. Mitchell and H. Lamar Willis requesting that a Task Force be created to review and report back to the Mayor and City Council on requiring businesses operating in the City of Atlanta submit a Recycling Plan as part of their Business License Application Process; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 07-R-2217 (3) A Resolution by Councilmember Kwanza Hall authorizing the Mayor to accept and execute agreements to permit the installation of a Foundation System that includes Tie-Back Rods and a Shoring System within and under the public rights-of-way of: (1) Boulevard Place abutting real property commonly known as 555 Boulevard f/k/a 559 Boulevard; and (2) Boulevard abutting real property commonly known as 555 Boulevard f/k/a 559 Boulevard, said rights-of-way lying and being in Land Lot 47 of the 14th District of Fulton County, Georgia, wherein the grantee reserves the right to limit and regulate the usage of the surface, subsurface and aerial spaces within the rights-of-way; to provide conditions for allowing same; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 07-R-2231 (4) A Resolution by City Utilities Committee authorizing the Chief Financial Officer to pay for additional work provided by Synagro South, LLC, on behalf of the Department of Watershed Management, for Emergency Sludge Hauling, Removal Services & Belt Presses for the Bureau of Wastewater Treatment and Collection Water Reclamation Centers, in an amount not to exceed \$4,519,205.32; all contracted work to be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Smith made a motion to file.)

FILE

J. PAPERS HELD IN COMMITTEE

- 06-O-0306 (1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller)**
HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-R-0563 (2) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns)**

HELD

- 06-O-0937 (3) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

HELD

- 06-O-1454 (4) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges, to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author)**

HELD

- 06-O-1573 (5) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1947 (6) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department)**

HELD

- 07-R-0002 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

HELD

- (8) Appraisal of the **abandoned** portion of Lakeside Drive, NE, consisting of 19.50 acres proposed assemblage tract or \$1,300,000.00 per acre, or \$29.84 per square foot. **(Held 1/9/07 for further review)**

HELD

- 07-R-0750 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Players & Company, for FC-6006007947, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, on behalf of the Department of Watershed Management, in an amount not to exceed \$122,280.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Held 5/1/07 at the request of the Department)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0979 (10) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Fair Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.093 acre more or less, and being more specifically described as Tract "1" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

HELD

- 07-O-0980 (11) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Castleberry Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.115 acre more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Held 5/15/07 for a Public Hearing) (To be advertised for a Public Hearing)**

HELD

- 07-R-1214 (12) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1330 (13) An Ordinance by Councilmember Ivory L. Young, Jr. **as amended by City Utilities Committee to abandon** that portion of James P. Brawley Drive, SW, between Parsons Street and Beckwith, lying in Land Lot 109, 14th District, Fulton County, Georgia, consisting of approximately 0.363 acre and being more specifically described in the attached Exhibit "A"; and for other purposes. **(Public Hearing held 10/9/07)**
(Councilmember Young made motion to approve as amended on condition.)

FAVORABLE AS AMENDED ON CONDITION

- 07-O-1335 (14) An Ordinance by Councilmember Clair Muller **as substituted #2 by City Utilities Committee** to amend Chapter 130 of the Solid Waste Management Code, Section 130-38, to clarify recycling requirements and City's enforcement powers regarding multi-family dwellings.
(Councilmember Young made motion to approve as amended on condition.)

FAVORABLE ON SUBSTITUTE ON CONDITION

- 07-R-1477 (15) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1521 (16) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work session was held 9/13/07) (Next Work session 10/12/07 at 9:30)**

HELD

- 07-R-1911 (17) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$_____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 9/11/07 for further review)**

HELD

- 07-R-1944 (18) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 3 for the agreement with Southeast Energy Assistance for FC-6005007948, Care and Conserve Program, on behalf of the Department of Watershed Management to provide for the continued administration of the program in an amount not to exceed \$977,561.60 to charge to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Held 9/25/07 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1953 (19) An Ordinance by City Utilities Committee to amend Chapter 138, Section 138-20 and Appendix B of the Code of Ordinances to authorize the imposition of certain fees for encroachments in the right-of-way; to modify certain provisions; and for other purposes. **(Held 10/9/07 for further review)**

HELD

- 07-O-2016 (20) An Ordinance by Councilmember Felicia A. Moore to **abandon** portions of Smokey Road, NW between Church Street and Dead-End of Smokey Road and Church Street, NW between Smokey Road and Perry Boulevard and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 252 of the 17th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 10/9/07)**
(Councilmember Mitchell made a motion to file.)

FILE

- 07-O-2023 (21) An Ordinance by Councilmember Carla Smith, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-83, (701 Pershing Avenue, SE) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes. **(Held 9/25/07 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-2037 (22) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal No. 2 and Amendment No. 2 to the agreement with Metals and Materials Engineers, for FC-6004007832A, on behalf of the Department of Watershed Management in an amount not to exceed \$700,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J27 (2001 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q65J09129999 (Repair & Replace Large Water Meters); and for other purposes.
(Councilmember Shook made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-R-2147 (23) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta ("City"), to enter into an Encroachment Agreement for non-conforming uses, with Zoo Atlanta, for the installation of twenty (20) Wayfinding Signs on the City's right-of-way; and for other purposes.
(Held 10/9/07 for further review)

HELD

K. REQUESTED ITEMS

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.
2. Councilmember Muller made a request to the Department of Finance and Department of Public Works to present to the Committee a status report on the 1994 G. O. Bond Projects.
3. Councilmember Smith requested a status report on recycling from the Department of Public Works

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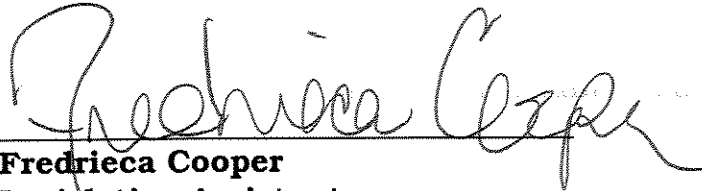
L. ITEMS NOT ON AGENDA

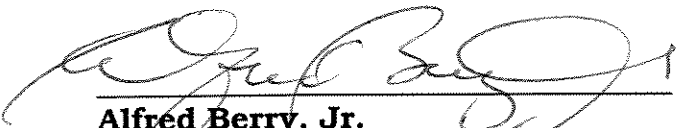
APPRAISAL


- (1) Appraisal of **abandoned** portion of John Wesley Dobbs Avenue, NE which consist of 0.2735 per acre and the Appraiser has estimated total fair market value at \$34.00 per square foot which is a total value of \$415,000.00.
(Councilmember Shook made a motion to accept.)

There being no further business to come before the Committee, the meeting was adjourned at 11:12 a.m.

Respectfully Submitted:


**Fredriecca Cooper
Legislative Assistant**


**Alfred Berry, Jr.
Research and Policy Analyst**


**The Honorable Carla Smith, Chair
City Utilities Committee**